UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,375	02/02/2001	Kevin T. Gallo	03797.00029	8078

26389	7590	03/24/2005

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EXAMINER
SHANNON, MICHAEL R

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/776,375	GALLO ET AL.
	Examiner	**Art Unit**	
	Michael R Shannon	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 February 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-54</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-54</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>13 April 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-34, 37-51, and 53-54 are rejected under 35 U.S.C. 102(e) as being

anticipated by Jensen et al (USPN 6,834,371), cited by examiner.

Regarding claim 1, the claimed "system for synchronizing playback of media

content with other content or with host computer time information" is met as follows:

- The claimed "web browser for providing a timing representation to a media

  player" is met by the web browser discussed in column 6, lines 39-40.

- The claimed "media player implementing a first interface for object

  management and a second interface for exchanging timing and

  synchronization information with the web browser" is met by the

  presentation as discussed in column 9, lines 57-60 which provides timing

  information and synchronization information [col. 10, line 62 – col. 11, line

  8].

- The claimed "player-hosting peer within the web browser for negotiating a

  playback state and a rendering status between the browser and the media

player" is met by the event handling software discussed in column 10, line
50 – column 11, line 42 for synchronizing and rendering media objects
accordingly.

Regarding claim 2, the claimed "player-hosting peer issues commands to the
media player" is met by the fact that the event handler can control via a pause or stop
command, the presentation [col. 11, lines 27-42].

Regarding claim 3, the claimed "media player notifies the player-hosting peer of
media player state changes" is met by the presentation notifying the event handler that
the change in state of the presentation has changed [col. 11, lines 15-50].

Regarding claim 4, the claimed "second interface includes a playback state and a
current playback time passed from the media player to the web browser" is met by the
presentation notifying the event handler that the change in state of the presentation has
changed [col. 11, lines 15-50] and the current position of the presentation [col. 11, line
1].

Regarding claim 5, the claimed "player and the player-hosting peer jointly
maintain the playing state and the current playback time" is met by the fact that the
event handler and presentation have timing information [col. 10, line 65 – col. 11, line 8].

Regarding claim 6, the claimed "second interface includes web browser time
information and/or application time information passed from the browser to the media
player" is met by the ability for the browser and event handler to recognize times and
send that information for comparison to the presentation [col. 11, lines 16-26].

Regarding claims 7-34, the claimed "player-hosting peer transitions through states including inactive, active, waiting for data, and out of sync" and the "transitions", "notifications", and "passes" that take place in the player-hosting peer and the media player are met by the inherent states of the event handler and presentation. As discussed in column 11, lines 29 – 42 the event handler recognizes states of the media player and reacts accordingly. The teaching of reactions inherently teaches the fact that the event handler has states associated with the state of the presentation. The reactions of the event handler to certain actions in the presentation inherently teach the ability to transition from one state to another based on received timing and synchronization information from the presentation (media player). For example, event triggers trigger events to occur in the web browser based on the timing information transmitted from the presentation [col. 11, lines 9 – 13]. Also, the "seek command" is met by the ability for the user to select slides and do searches for pertinent information within the presentation to be displayed [col. 10, lines 4 – 13]. Also, the "destructions" concept is met by the clean-up technique taught in column 7, lines 35-45.

Regarding claim 37, the claimed "proxy layer for passing synchronization information or commands or both synchronization information and commands between the browser and an external media player" is met by the fact that the play list information and executable file as discussed in column 5, lines 8-25 serve to allow for communication between the executable file and the web browser.

Regarding claim 38, the claimed "player-hosting peer implements an interface for providing access to timing information from the player-hosting peer" is met by the event

handler's ability to allow access to its timing information by the browser and the

presentation viewer [col. 11, lines 15-26].

Regarding claim 39, the claimed "method of synchronizing playback of media

content with other content or with host computer time information" is met as follows:

- The claimed step of "providing a timing representation to a media player"

  is met by the time-based index as discussed on column 10, lines 4-13.

- The claimed step of "implementing a first media player interface for object

  management and a second media player interface for exchanging timing

  and synchronization information with a web browser" is met by the

  presentation as discussed in column 9, lines 57-60 which provides timing

  information and synchronization information [col. 10, line 62 – col. 11, line

  8].

- The claimed step of "issuing commands from the web browser to the

  media player, the commands being directed to media player operations

  other than, and in addition to, instantiation of the media player; and

  notifying the web browser of media player state changes" is met by the

  event handling software discussed in column 10, line 50 – column 11, line

  42 for synchronizing and rendering media objects accordingly.

Regarding claim 40, the claimed "second media player interface includes a

playback state and a current playback time passed from the media player to the web

browser" is met by the presentation notifying the event handler that the change in state

of the presentation has changed [col. 11, lines 15-50] and the current position of the presentation [col. 11, line 1].

Regarding claim 41, the claimed "player and the web browser both maintain the playing state and the current playback time" is met by the fact that the event handler and presentation have timing information [col. 10, line 65 – col. 11, line 8].

Regarding claim 42, the claimed "second media player interface includes the host computer time information passed from the browser to the media player" is met by the ability for the browser and event handler to recognize times and send that information for comparison to the presentation [col. 11, lines 16-26].

Regarding claims 43-51, the claimed "notification" and "receiving and passing commands" steps are met by the inherent states of the event handler and presentation. As discussed in column 11, lines 29 – 42 the event handler recognizes states of the media player and reacts accordingly. The teaching of reactions inherently teaches the fact that the event handler has states associated with the state of the presentation. The reactions of the event handler to certain actions in the presentation inherently teach the ability to transition from one state to another based on received timing and synchronization information from the presentation (media player). For example, event triggers trigger events to occur in the web browser based on the timing information transmitted from the presentation [col. 11, lines 9 – 13]. Also, the "seek command" is met by the ability for the user to select slides and do searches for pertinent information within the presentation to be displayed [col. 10, lines 4 – 13]. Also, the "destructions" concept is met by the clean-up technique taught in column 7, lines 35-45. Finally, the

ability for the presentation to be controlled via "stop", "pause", and "play" buttons within

the browser meets the ability to change states within the browser and presentation

simultaneously [col. 11, lines 28-42].

Regarding claim 53, the claimed "media player is external to the browser" is met

by the fact that the play list information and executable file as discussed in column 5,

lines 8-25 serve to allow for communication between the executable file and the web

browser.

Regarding claim 54, the claimed "step of providing a timing representation to a

media player further comprises the step of implementing an interface to provide access

to timing information from the web browser" is met by the event handler's ability to allow

access to its timing information by the browser and the presentation viewer [col. 11,

lines 15-26].

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 35, 36, and 52 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jensen et al (USPN 6,834,371), cited by examiner.

Regarding claim 35, the Jensen reference teaches all of that which is discussed

above with regards to claim 1. The Jensen reference, does not, however, teach that the

web browser is operating in a television set top environment. The examiner takes

Official Notice that it is notoriously well-known in the art that a television set top

environment can operate similarly to a computer environment because a STB is a form

of a computer and a television is just another display device. It would have been

obvious to one of ordinary skill in the art at the time of the invention to implement the

web browser in a television set top environment, in order to allow consumers without

computer access the ability to use the invention in a system that they already know and

possess.

Regarding claim 36, the Jensen reference teaches all of that which is discussed

above with regards to claim 1. The Jensen reference, does not, however, teach that the

"other content includes advertising or other commercial content synchronized with at

least one portion of the media content". The Jensen reference does point out that the

presentation could be a video clip [col. 15, lines 54-57]. The examiner takes Official

Notice that commercial advertisements often come in the form of video clips and are

often integrated into displays in order to target advertisements based on current content

and viewer preferences, as is notoriously well-known in the art. Therefore, it would

have been obvious to one of ordinary skill in the art at the time of the invention to use

advertising content for synchronization, in order to allow advertisements to be

synchronized with primary content for convenient display and directed advertising to

appropriate viewers based on current content information.

Regarding claim 52, the Jensen reference teaches all of that which is discussed

above with regards to claim 39. The Jensen reference, does not, however, teach that

the "other content includes advertising or other commercial content synchronized with at

least one portion of the media content". The Jensen reference does point out that the

presentation could be a video clip [col. 15, lines 54-57]. The examiner takes Official

Notice that commercial advertisements often come in the form of video clips and are

often integrated into displays in order to target advertisements based on current content

and viewer preferences, as is notoriously well-known in the art. Therefore, it would

have been obvious to one of ordinary skill in the art at the time of the invention to use

advertising content for synchronization, in order to allow advertisements to be

synchronized with primary content for convenient display and directed advertising to

appropriate viewers based on current content information.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Nason et al (USPN 6,677,964) disclose a system for synchronizing multiple

displays in a computer or set top box system.

Prasad et al (USPN 6,269,122) disclose a system for synchronizing an audio

stream with video playback.

Abbott et al (USPN 6,654,933) disclose a system for media stream indexing in

order to synchronize display of groups of pictures.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael R. Shannon whose telephone number is (571)

272-7356. The examiner can normally be reached Monday through Friday 8:00 AM –

5:00PM, with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Miller, can be reached at (571) 272-7353.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS)
as follows:

> Mail Stop _____
> Commissioner for Patents
> P.O. Box 1450
> Alexandria, VA 22313-1450

Effective January 14, 2005, except correspondence for Maintenance Fee

payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and

Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered

by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action,

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> United States Patent and Trademark Office
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> 401 Dulany Street
> Alexandria, VA 22314

Some correspondence may be submitted electronically. See the Office's Internet
Web site http://www.uspto.gov for additional information.

Or faxed to: (703) 872-9306

Hand-delivered responses should be brought to:

Knox Building
501 Dulany Street
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to customer service whose telephone number is **(571)**

272-2600.

Michael R Shannon
Examiner
Art Unit 2614

Michael R Shannon
March 20, 2005

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600